

CALIFORNIA ENERGY
COMMISSION

**EXISTING
RENEWABLE
FACILITIES
PROGRAM**

FIFTH EDITION

COMMISSION GUIDEBOOK

SEPTEMBER 2008
CEC-300-2008-002-CMF



Arnold Schwarzenegger, Governor

CALIFORNIA ENERGY COMMISSION

Jackalyne Pfannenstiel
Chairman

James D. Boyd
Vice Chair

Commissioners:
Arthur H. Rosenfeld
Jeffrey Byron
Karen Douglas

Melissa Jones
Executive Director

Jason Orta
Principal Author

Mark Hutchison
Office Manager
RENEWABLE ENERGY OFFICE

Valerie Hall
Deputy Director
**ENERGY EFFICIENCY AND
RENEWABLES DIVISION**

Please cite this report as follows:

Orta, Jason. 2008 *Existing Renewable Facilities Program Guidebook: Fifth Edition*.
CEC-300-2008-002-SD.

These guidelines were formally adopted by the California Energy Commission on February 19, 2003, pursuant to Public Utilities Code Section 383.5, subdivision (h) and subsequently revised Pursuant to Public Resources Code Section 25747, subdivision (a), on November 30, 2005, June 29, 2006, March 14, 2007, and September 24, 2008.

ABSTRACT

The *Existing Renewable Facilities Program Guidebook* describes the requirements to apply for and receive production incentives from the Existing Renewable Facilities element of the Energy Commission's Renewable Energy Program. The purpose of this program is to improve the competitiveness of existing in-state renewable generating facilities so these facilities may become self-sustaining without further public funding by 2011, and to secure for California the environmental, economic, and reliability benefits these facilities provide by continuing to operate. The *Guidebook* outlines eligibility and legal requirements, details how funding awards will be made, describes invoicing procedures, and includes necessary forms and instructions for program participants.

KEYWORDS

renewable energy, production incentives, renewables portfolio standard, biomass, solar thermal electric, wind, existing renewable

Table of Contents

I - Introduction	1
II - Purpose	2
III - Overview	2
A. Program Funding	2
B. Eligibility Requirements	3
C. Facilities to be Placed in One of Five Tiers Based on Information Submitted	6
D. Production Incentive Rate.....	8
E. Information that Must be Provided by Facilities	10
F. Determination of Market Price	13
G. Time-of-Use Energy Prices	13
IV – Application Process	14
A. Required Forms	14
B. Processing Eligibility Forms	15
C. Updating Eligibility Forms	16
V - Incentive Payment Process	16
A. Monthly Invoices	16
B. Payments	18
C. Withholding Payments	19
VI – Annual Reporting Requirements for Biomass Facilities	22
VII – Prevailing Wage Requirements	22
VIII - Definitions	25

I - Introduction

The California Energy Commission (Energy Commission) has developed this *Existing Renewables Facilities Program Guidebook* to implement and administer its Existing Renewable Facilities Program (ERFP) according to Senate Bill 1038¹, Senate Bill 1250², and Senate Bill 1036.³ These laws, along with the Reliable Electric Service Investments Act,⁴ extend the collection of a non-bypassable system benefit charge initiated in 1998 under Assembly Bill 1890⁵ and authorize the expenditure of funds collected to support existing, new, and emerging renewable resources. The goal of these laws is to establish a competitive, self-sustaining renewable energy supply for California while increasing the near-term quantity of renewable energy generated in-state.

This *Guidebook* describes the requirements for receiving funding under the ERFP. The ERFP is one of several program elements within the Energy Commission's Renewable Energy Program.

The Energy Commission has adopted other guidebooks to address the requirements to receive funding under other elements of the Renewable Energy Program. In addition, the Energy Commission has adopted guidelines governing the overall administration of the Renewable Energy Program in the *Overall Program Guidebook*, which describes how the Renewable Energy Program and its elements will be administered. Also the Energy Commission has adopted the *Renewables Portfolio Standards Eligibility Guidebook* which describes the eligibility requirements for renewable energy to qualify for the Renewables Portfolio Standard.

To qualify for funding under the ERFP, applicants must satisfy the requirements contained in both the *Overall Program Guidebook* and this *Existing Renewable Facilities Program Guidebook*. This *Guidebook* supersedes the previous *Guidebook*, *Existing Renewable Facilities Program Guidebook*, Fourth Edition.

For more information about the Renewable Energy Program, please visit the Energy Commission's website at <www.energy.ca.gov/renewables>.

¹ Senate Bill 1038; Chapter 515, Statutes of 2002. The pertinent provisions of SB 1038 were formerly codified in Public Utilities Code Sections 383.5 and 445, but are now codified in Public Resources Code Sections 25740 through 25751 as a result of Senate Bill 183 (Chapter 666, Statutes of 2003).

² Senate Bill 1250; Chapter 512, Statutes of 2006. SB 1250 amends pertinent provisions in Public Resources Code Sections 25740 through 25751, including requirements related to the ERFP in Section 25742.

³ Senate Bill (SB) 1036, (Perata, Chapter 685, Statutes of 2007).

⁴ Public Utilities Code Section 399, et seq., as enacted by Assembly Bill 995 (Chapter 1051, Statutes of 2000) and Senate Bill 1194 (Chapter 1050, Statutes of 2000).

⁵ Assembly Bill 1890; Chapter 854, Statutes of 1996.

II - Purpose

The purpose of the ERFP is to improve the competitiveness of existing in-state renewable generating facilities so these facilities may become self-sustaining without further public funding by 2011, and to secure for California the environmental, economic, and reliability benefits these facilities provide by continuing to operate.

III - Overview

The ERFP provides funding in the form of production incentives to eligible renewable energy facilities for each kilowatt-hour of eligible electricity generated. To qualify for funding, applicants must ensure that the renewable facility and electricity generated meet a number of requirements. The facility must use an eligible renewable energy resource to generate electricity, and be located either within the state or near the state's border with its first point of interconnection to the transmission systems within the state. Eligible renewable energy resources include biomass, solar thermal electric, and wind. In addition, the facility must not be owned by an electrical corporation or local publicly owned electric utility and must be certified by the Energy Commission as eligible for California's Renewables Portfolio Standard (RPS). Lastly, the electricity generated must not be sold under a fixed price contract with an energy price above the applicable target price⁶ on a monthly average basis, be used on-site, or sold in a manner avoiding competitive transition charge payments.

Facilities seeking funding from the ERFP must submit an Application for ERFP Funding Eligibility form (CEC-1250E-1) to the Energy Commission and must be an RPS-certified facility. Applicants for any facility that previously participated in the Existing Renewable Facilities Program are required to submit form CEC-1250E-1 and update their information to qualify for funding under the ERFP. Applicants that are eligible for funding must submit monthly invoices to document eligible generation and receive funding for their eligible generation. The Energy Commission reviews these invoices and makes incentive payments based on the eligible generation and the applicable production incentive rate.

A. Program Funding

Senate Bill 1036 revised the ERFP's allocation of funds from 10 percent to 20 percent of the funds collected for the Renewable Energy Program, although the bill reduced the funds collected by the Renewable Resources Trust Fund by 51.5 percent.

⁶ This applies to any facility that receives energy payments for a majority of its generation that were known or ascertainable at the time the contract was entered into or amended, and the fixed price portion has an annual average that is greater than the applicable ERFP target price.

Although existing wind facilities are technically eligible for funding, they currently do not require assistance. Therefore, all ERFP funds are available for eligible existing solid-fuel biomass facilities and solar thermal electric facilities. However, the Energy Commission reserves the right to allocate funding for existing wind energy facilities in the future based on changes in market conditions.

The funds available to the ERFP annually are allocated monthly in equal amounts. Any funds not disbursed in a given month are rolled over into the following month for distribution.

B. Eligibility Requirements

Facilities must satisfy the following requirements to participate in the ERFP.

1. Eligible Renewable Energy Resource

Facilities must use eligible solid-fuel biomass, solar thermal electric, or wind energy to generate electricity. Eligible solid-fuel biomass is limited to the following:

- a. Agricultural crops and agricultural wastes and residues.
- b. Solid waste materials such as waste pallets, crates, dunnage, manufacturing, and construction wood wastes, landscape or right-of-way tree trimmings, mill residues that are directly the result of the milling of lumber, and rangeland maintenance residues.
- c. Wood and wood wastes that meet all of the following requirements:
 - i. Have been harvested under an approved timber harvest plan prepared in accordance with the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code).
 - ii. Have been harvested for forest fire fuel reduction or forest stand improvement.
 - iii. Do not transport or cause the transportation of species known to harbor insect or disease nests outside zones of infestation or current quarantine zones, as identified by the Department of Food and Agriculture and the Department of Forestry and Fire Protection, unless approved by these agencies.

Before January 1, 2007, eligible biomass facilities were permitted to use up to 25 percent fossil fuel annually on a total energy input basis consistent with the federal Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) and Section 292.204, Subdivision (b), of Title 18 of the Code of Federal Regulations. However, the law as amended by SB 1250

contemplates restrictions on the use of fossil fuel for biomass facilities. Because existing solid-fuel biomass facilities may require at least a minimal amount of fossil fuel use to operate,⁷ facilities participating in the ERFP are allowed to use up to 5 percent fossil fuel on a total energy input basis annually and still have 100 percent of their generation eligible for ERFP funding. For facilities that use more than 5 percent fossil fuel, eligible generation is defined as electricity generated strictly by eligible solid-fuel biomass fuels. In this case, no electricity generated by fossil fuel in excess of 5 percent will be eligible. For example, if a facility uses 15 percent fossil fuel, only 85 percent of the facility's total net metered generation will be eligible for payment. The total energy input of a facility shall be determined annually on a calendar year basis in a manner consistent with Section 292.204(b) of Title 18 of the Code of Federal Regulations, and expressed in millions of British Thermal Units (mmBTU).

Existing solar thermal electric facilities under the RPS are allowed to use up to 25 percent fossil fuel and still have 100 percent of their net-metered generation eligible for payment.

Although facilities that use wind energy to generate electricity are eligible to participate in the ERFP, it is unlikely that any such facilities will qualify for funding unless market conditions change significantly.

In addition, facilities must be certified as eligible for California's RPS. For information on RPS eligibility requirements, refer to the Energy Commission's *Renewables Portfolio Standard Eligibility Guidebook*.

2. In-State Location

A facility must be physically located in California, or located near California's border with its first point of interconnection to the Western Electricity Coordinating Council's (WECC) transmission grid located in California. Facilities that are located out-of-state are not eligible for ERFP funding.

3. Operational Date

Facilities must have commenced commercial operations as a renewable energy facility, consistent with the requirements of the federal Public Utility Regulatory Policies Act of 1978 and Section 292.204, Subdivision (b), of Title 18 of the Code of Federal Regulations, on or before September 26, 1996.

4. Facility Ownership

⁷For example, fossil fuel may be required for ignition, startup, testing, flame stabilization, and control uses, and to alleviate or prevent unanticipated equipment outages or emergencies.

Facilities must not be owned by an electrical corporation as defined in Public Utilities Code Section 218 or a local publicly owned electric utility as defined in Public Utilities Code Section 9604(d).

5. Fixed Price Contract

A facility must not be selling its electrical generation under a fixed price power purchase contract that provides energy price payments above the target prices listed in this *Guidebook*. This applies to any facility with a power purchase contract that provides energy payments for a majority of the facility's generation, where the energy payments are based on a price per unit measure of electricity that (1) was known or ascertainable at the time the contract was entered into or amended, and (2) has an average fixed energy price greater than the applicable facility specific target price established by the Energy Commission.

6. Eligible Electrical Generation

To qualify for ERF funding, a facility's electrical generation must satisfy the following requirements:

- a. The energy must be generated after January 1, 2007.
- b. The energy must be sold to customers within the State of California.
- c. The energy must not receive monthly energy payments at a price equal to or greater than the applicable target price as determined by the Energy Commission.
- d. Eligible generation is net metered generation. For the ERF, "net metered generation" is generation that is sold to the grid and not used on site for the facility's own electrical demand.
- e. The energy must not be sold to customers of local publicly owned electric utilities.
- f. The energy must not receive incentive payments or funding from any of the Renewable Energy Program elements or from the Energy Commission's New Renewable Resources Account under Senate Bill 90.⁸
- g. The energy must not be excluded from any applicable competitive transition charge payments (such as over-the-fence transactions⁹) or sold in a manner avoiding these payments.

⁸ Senate Bill 90; Chapter 905, Statutes of 1997; as codified in former Public Utilities Code Sections 383.5 and 445.

⁹ See Public Utilities Code Section 372.

C. Facilities to be Placed in One of Five Tiers Based on Information Submitted

By law, the Energy Commission must consider the following factors in determining facility funding.

- The cumulative amount of funds the facility has previously received from the Energy Commission and other state sources.
- The value of any past and current federal or state tax credits.
- The facility's contract price for energy and capacity.
- The market value of the facility.
- An estimate of the incentive payment needed (in cents/kWh) above the energy payments the facility will receive during the calendar year the applicant is applying for. Also an explanation of why this incentive level is needed.
- An explanation of how the incentive payments from the ERFP will allow the facility to become cost-competitive by the end of the 2011.

Facilities seeking ERFP funding must submit this information to the Energy Commission. Once this information is submitted the facility is evaluated and placed in one of five tiers based on the facility's renewable energy resource type, average annual energy price, and the utility contract to which the generation is sold. This *Guidebook* specifies the applicable target price and production incentive cap in a given funding Tier. The target price represents the price for the facility's energy below which the facility could not reasonably expect to operate sufficiently without need of program funding. The production incentive caps represent the highest incentive level the Energy Commission believes is reasonable given the program funding, the energy market, and the prices received by other eligible renewable energy facilities.

Table 1 below shows the funding Tiers for facilities participating in the Existing Renewable Facilities Program. The Tiers are based on the facility's renewable energy resource type, average annual energy price, and utility power purchase contract under which the generation is sold.

Table 1. Tiers for Facilities Participating in the Existing Renewable Facilities Program			
Tier	Energy Resource	Average Annual Energy Price	Investor Owned Utility Contract
Tier 1	Solar Thermal Electric	Facilities with power purchase contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 4.0 cents/kWh or less.	PG&E, SCE, and SDG&E
Tier 2	Biomass	Facilities with contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 5.0 cents/kWh or less.	PG&E and Sierra Pacific Power Company
Tier 3	Biomass	Facilities with contracts receiving fixed or variable monthly average energy prices for a majority of their generation at 5.0 cents/kWh or less.	SCE, SDG&E
Tier 4	Biomass and Solar Thermal Electric	Facilities with contracts receiving variable monthly energy payments based on the short-run avoided cost (SRAC) or facilities with contracts receiving fixed monthly average energy prices for a majority of their generation greater than 5.0 cents/kWh but less than or equal to 6.5 cents/kWh	SCE, SDG&E
Tier 5	Biomass and Solar Thermal Electric	Facilities with contracts receiving variable monthly energy payments based on the short-run avoided cost (SRAC) or facilities with contracts receiving fixed monthly average energy prices for a majority of their generation greater than 5.0 cents/kWh but less than or equal to 6.8 cents/kWh	PG&E and Sierra Pacific Power Company

D. Production Incentive Rate

ERFP funds are paid monthly as a simple cent per kilowatt-hour (kWh) production incentive for each hour of qualifying electricity that an eligible facility generates. Payments from the ERFP are capped at \$18 million¹⁰ per calendar year.

Incentive payments are calculated each month by multiplying the facilities eligible generation by an incentive rate. Incentive rates vary by facility and are based on the **lowest** of three possible calculations defined below. The Adjustment Fund Multiplier (AFM) in the third possible calculation has been modified from previous versions of this *Guidebook*. The intent of the AFM, as designed, is that generation from Tier 1, Tier 2, and Tier 3 facilities will be paid at their assigned production incentive cap. Based on an analysis of information reported to the Energy Commission in 2007 and 2008, Tier 1, Tier 2, and Tier 3 facilities currently require more financial assistance from the Existing Renewable Facilities Program in order to remain online. For each month, payment to those facilities will be the first priority. Remaining funds, if available, will then be paid to the Tier 4 and Tier 5 facilities for generation from those months.

The incentive rates used to calculate payments to facilities are based on the lesser value from three possible calculations:

- 1) The difference between a pre-determined target price and market price; or
- 2) a pre-determined cents per kWh production incentive rate cap; or
- 3) a funds-adjusted incentive rate. The funds adjusted rate will be calculated each month as follows:
 - A. Each month, the funds remaining for the year are divided into two tranches, a tranche for Tier 4 and Tier 5, and another tranche for Tier 1, Tier 2, and Tier 3. The tranche for Tier 1, Tier 2, and Tier 3 will be calculated first and will be comprised of:
 - a) The sum of payments for Tier 1, Tier 2, and Tier 3 (using incentive rates that are the lesser of (1) and (2) above) for the current month,
 - b) An estimate of the funds needed to pay the Tier 1, Tier 2, and Tier 3 payments for the remainder of the year (using incentive rates that are the lesser of (1) and (2) above).
 - B. If the sum of payments in (3.A.a) is greater than the funds remaining for the current year (the funding cap minus payments made during prior months) then

¹⁰ This cap is based on future estimated allocations to the Existing Account. The Energy Commission reserves the right to adjust this cap based on actual allocations to the Existing account.

the incentive rates for Tier 1, Tier 2, and Tier 3 will be reduced by the AFM as follows:

- a) Divide the remaining program funds by the sum of the Tier 1, Tier 2, and Tier 3 payments for the given month (using incentive rates that are the lesser of (1) and (2) above to obtain the AFM.
 - b) Multiply the incentive rates for the Tier 1, Tier 2, and Tier 3 facilities by the AFM to determine the funds-adjusted incentive rate for each facility.
- C. If the AFM is applied to Tier 1, Tier 2, and Tier 3, or if the Tier 1, Tier 2, and Tier 3 tranche is greater than or equal to the funds remaining for the year, Tier 4 and Tier 5 facilities will not be eligible for payment for the months that this occurs. Otherwise, the Tier 4 and the Tier 5 tranche will consist of the funds remaining for the current year minus the Tier 1, Tier 2, and Tier 3 tranche. If the sum of the payments to the tier 4 and 5 facilities (using incentive rates that are the lesser of (1) and (2) above) is greater than the funds available in the Tier 4 and Tier 5 tranche, then the incentive rates will be reduced by the AFM calculated as follows:
- a) Divide the funds in the Tier 4 and Tier 5 tranche by the sum of the Tier 4 and Tier 5 payments for the given month (using incentive rates that are the lesser of (1) and (2) above).
 - b) Multiply the incentive rates for the Tier 4 and Tier 5 facilities by the AFM to determine the funds-adjusted incentive rate for each facility.

The pre-determined target prices and incentive caps for each tier are shown in Table 2 below. The Energy Commission may adjust the target prices and incentive caps if appropriate, to reflect changing market and contractual conditions and to account for inflation.

Table 2. Target Prices and Payment Caps for Existing Renewable Facilities (cents per kWh)		
Tier	Target Price	Production Incentive Cap
Tier 1	6.2 cents/kWh	2.0 cents/kWh
Tier 2	6.5 cents/kWh	1.5 cents/kWh
Tier 3	6.2 cents/kWh	1.5 cents/kWh
Tier 4	6.2 cents/kWh	1.5 cents/kWh
Tier 5	6.5 cents/kWh	1.5 cents/kWh

The Energy Commission intends to pay production incentives for generation from facilities eligible for Tier 1, Tier 2, or Tier 3 at an incentive rate that equals their production incentive cap.

The following is an example of the process that will be used to pay the facilities participating in the program. Tier 1, Tier 2, and Tier 3 facilities will be paid at the lower of the difference

between a pre-determined target price and market price or a pre-determined cents per kWh cap for each month of generation but will be subject to the AFM based on the availability of funds. After the Tier 1, Tier 2, and Tier 3 facilities are paid, the Energy Commission will determine if there are available funds to pay Tier 4 and Tier 5 facilities. Payments to Tier 4 and Tier 5 facilities will be calculated at the lower of the difference between a pre-determined target price and market price or a pre-determined cents per kWh cap for each month of generation. If funds are not available to fully pay the Tier 4 and Tier 5 facilities after the Tier 1, Tier 2, and Tier 3 facilities are paid, the AFM will be applied to calculate Tier 4 and Tier 5 payments. If the remaining funding in a given month is less than the funding requested by the Tier 1, Tier 2, and Tier 3 facilities, then the AFM will be applied.

E. Information that Must be Provided by Facilities

The Energy Commission will evaluate applications using the information supplied by facilities in form CEC-1250E-1. Placement in one of the five Tiers will be determined by the Energy Commission based on application information submitted by the facilities and/or other information as may be available to the Energy Commission that it deems relevant. The Energy Commission reserves the right to use information submitted in previous years' applications and other information in making funding award decisions.

Failure to submit some or all of the following information may result in denial of an application for funding. In order to qualify for funding, an eligible facility must annually submit the following information:

1. The cumulative amount of any funds the facility has previously received from the Energy Commission since January 1, 1998, itemized by Energy Commission program. The total funds received from the ERFP do not need to be provided since that information is available to ERFP staff. However, please provide the time frame the facility has been receiving funding from the ERFP.
2. The cumulative amount of any funds the facility has previously received from other state government sources since January 1, 1998, itemized by program or state source. Also provide information on any corresponding costs or losses incurred in connection with such sources/programs, and an explanation of how and why these costs or losses were incurred.
3. The amount of funds the facility will receive or is expected to receive from other state government sources through December 31, 2011, and any costs or losses expected to be incurred in connection with the receipt of such funds.
4. The value of any past and current federal tax credits since 1998. (If the facility qualifies for these tax credits but is or has been unable to take advantage of them, explain the reason[s] why.)

5. The value of any past and current state tax credits since 1998. (If the facility qualifies for these tax credits but is or has been unable to take advantage of them, explain the reason[s] why.)
6. The facility's monthly average contract price for energy (in cents per kWh) and capacity (in dollars per kW-yr) under its current power purchase contract. If the monthly average energy price is not constant for all months of the year or is scheduled to change during the application year, please provide specific monthly data.
7. The market value of the facility. A facility's market value may be based on the facility's assessed value for property tax purposes. If market value is based on the facility's assessed value for property tax purposes, please indicate whether the assessment is made by the county and/or another local or state government entity. Other calculations for market value may be the facility's net present value of their contract revenue stream, book value, or salvage value. When reporting the facility's market value, please state the basis for this determination.
8. An estimate of the target price needed under the ERFPP (in cents/kWh) to ensure the continued operation of the facility through the application year. Also include an explanation of why this target price level is needed, and how the incentive payments from the ERFPP will allow the facility to become cost-competitive by December 31, 2011. (Explain how changes in contract prices and market conditions relative to previous ERFPP incentive levels affect the estimated target price provided by applicant.)
9. An estimate of the production incentive cap needed under the ERFPP (in cents/kWh) and an explanation of why this cap level is needed given the facility's circumstances.
10. An explanation of how the incentive payments from the Existing Renewable Facilities Program will allow the facility to become self-sustaining by the end of the 2011 calendar year.
11. An explanation of the public benefits provided by the operation of the facility.

Solid-fuel biomass applicants must annually submit the following information on fossil fuel and biomass fuel use for its facility, using form Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4):

12. The type(s) of fossil fuel used by the facility during the previous calendar year, quantity of each fossil fuel used, the total energy input of each fossil fuel used, percentage of fossil fuel used on a total energy input basis and whether the facility is expected to use less than 5 percent fossil fuel during the application year.

13. The types of biomass fuel used, quantity and total energy input of each type of fuel.
Furthermore, facilities will need to provide the supplier's name, address or location of fuel source, supplier's contact number, and type, quantity and energy content (mmBTU) from each location source. Facilities must also attest that all the fuel used to generate energy is RPS eligible.

Under the California Code of Regulations, Title 20, Section 2501, et seq. ("regulations"), upon formal written request, the Energy Commission will consider applications to hold the above required information confidential. Applicants who wish to apply for confidentiality should use the template form called, "Application for Confidential Designation."-included in Section IX of this *Guidebook*. The completed template form must include the application for funding eligibility and supporting documentation. Please submit these materials to the attention of the Executive Director of the California Energy Commission at the following address:

Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814

Under the regulations, the Energy Commission has 30 calendar days to issue a decision on confidentiality applications. Further, review of the application to determine a facility's eligibility cannot begin until the Energy Commission issues its decision on the applicant's confidentiality request; therefore, this process may delay application review and approval. If an applicant is seeking confidential designation of information that is substantially similar to information that was previously designated confidential by the Energy Commission, the applicant may submit a truncated application as provided by Title 20, Section 2505 (a)(4) of the Energy Commission's regulations.

For the 2008 calendar year, this information (except for form CEC-1250-E4) must be submitted within 30 days of the adoption of this *Guidebook*. Biomass facilities are required to submit the CEC-1250-E4 form by January 31st of each year for their 2009 through 2011 funding applications. Applicants, however, are encouraged to submit all required documentation as soon as possible after the publication of the adopted *Guidebook*. For the 2009 calendar year and beyond, the applicants must submit the aforementioned information by January 31st of each year to be evaluated for funding for that calendar year.

The Energy Commission intends to process funding applications within 30 days of receiving a complete application, which must include any necessary supporting documentation. Applicants will be informed in writing of their eligibility status.

F. Determination of Market Price

The Energy Commission will establish a market price for each facility eligible to receive funding from the ERFP. The market price for each facility will be based on the facility's average energy price per kWh.

For facilities eligible to receive funding from the ERFP, the value of the market price will be determined on a monthly basis according to one of the following options, depending on the type of power purchase contract a facility has for its energy payments.

1. For facilities with an investor owned utility (IOU) power purchase contract that provides variable monthly energy payments based on the SRAC prices for a majority of the generation, the value of the market price shall be the monthly -period weighted average SRAC price **specific to the IOU the facility is selling its generation to** (such as Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), or San Diego Gas and Electric Company (SDG&E)).
2. For facilities receiving fixed monthly average energy prices for a majority of their generation, the value of the market price for all generation from the facilities will be the fixed monthly average energy price (as specified in the facility's contract) paid for a majority of their generation¹¹ (for example with Department of Water Resources, an IOU, and so forth). Any California Power Exchange (PX) adjustments incorporated into the fixed-price contracts with the IOUs will be incorporated in determining the market price.

For facilities that do not fall under the provisions of options (1) or (2) above, the energy price component will be determined by the Energy Commission based on the actual energy price received by the facility.

G. Time-of-Use Energy Prices

When a facility annually applies for funding from the ERFP, applicants will have the **one-time per calendar year** option of having their market price based on average monthly energy prices as specified above or on time-of-use (TOU) energy prices. Whichever method is chosen shall remain in effect until the end of the calendar year in which the facility is applying for funding. For those choosing to have incentive payments based on TOU prices, the TOU periods that will be considered are those specified in the IOU contracts (e.g. on-peak, partial-peak, mid-peak, off-peak, and super off-peak). The Energy Commission will **NOT** make payments based on hourly fluctuations in market prices. To receive incentive payments based on TOU energy prices, third party statements submitted must clearly summarize generation by TOU periods in addition to

¹¹ For facilities that signed fixed-price amendments to their IOU contracts and receive 75 percent of payments based on these fixed prices and 25 percent based on SRAC, the energy price component will be equal to the fixed-price value.

meeting all the requirements specified later in this *Guidebook* (Section V). For facilities that choose to have their ERFP incentive payments based on TOU energy prices, the value of the market price for all generation from the facilities will be based on the TOU energy prices paid for a majority of their generation (for example for a facility that receives 75 percent of payments based on 6.5 cents/kWh and 25 percent based on SRAC, the market price for all generation will be based on the 6.5 cents/kWh TOU prices). Furthermore, the Energy Commission will use the TOU generation values specified in the third party verification, without adjustment.

Applicants that choose to have payments based on TOU prices, but do not have third party statements that meet the Energy Commission's requirements, will have payments based on average monthly energy prices until their third party verification is approved by the Energy Commission. Additionally, these applicants will need to provide the Energy Commission with documentation on their process to obtain third party verification that is in compliance with the Energy Commission's TOU requirements. Failure to do so in a timely manner will result in the facility being paid based on average monthly energy prices until the next calendar year.

Determination of Market Price for Facilities Receiving "All-In" Prices

The Energy Commission reserves the right to establish a target price that reflects the "all-in" price received by these facilities if their contract does not specifically identify the energy price received by the facility.

IV – Application Process

A. Required Forms

Facilities must apply for ERFP eligibility to be evaluated and determined eligible for program funding. To apply, facilities must complete an Application for ERFP Funding Eligibility form (CEC-1250E-1) and be RPS certified. Applicants for biomass facilities must also submit the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4) in order to provide fossil fuel use information and submit necessary supporting documentation.

In addition, all applicants applying for funding must submit a completed State of California Vendor Data Record (STD-204). The State of California requires all parties entering into business transactions that may lead to payment(s) from the state to provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646, and Internal Revenue Code, Section 6109. This form must be on file with the Energy Commission before any payments can be made. If you have any questions about this form, please contact the California Franchise Tax Board at 1-800-852-5711. In addition, corporate and limited liability entities must be in good standing on the records of the California Secretary of

State to receive payments. The Energy Commission will check an applicant's standing with the Secretary of State when reviewing applications for funding eligibility and notify the applicant if there are any problems.

All applicants for funding must also submit a completed CEC-1250E-3 form, Authorized Signature Form. Only monthly invoices signed by persons listed on this form shall be accepted.

All forms necessary to apply for registration and funding are available in Section IX of this *Guidebook*, on the Energy Commission website, or by contacting the Energy Commission's Call Center.

Website: www.energy.ca.gov/renewables/

Call Center E-mail: Renewable@energy.state.ca.us

Call Center Phone: (800) 555-7794

Completed original forms **must** be mailed to:

California Energy Commission
Attn: Jason Orta
Renewable Energy Program
California Energy Commission
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512

Applicants may submit their forms by fax to meet a submittal deadline, provided the original forms are subsequently submitted by mail. Forms should be faxed to (916) 653-8251. See Section IX of this *Guidebook* for instructions on completing forms.

B. Processing Eligibility Forms

Applications for ERFP funding must be accurate, complete, and submitted on or before the due date specified in this *Guidebook*. If the application is incomplete or inaccurate, the Energy Commission may deny the funding request. A complete application consists of the following completed forms:

- Application for ERFP Funding Eligibility form (CEC-1250E-1).
- CEC-1250E-3 form, Authorized Signature Form.
- Biomass facilities must also submit the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4) for the previous calendar year.
- A State of California Vendor Data Record (STD-204) form.

The Energy Commission expects to review and process applications for funding eligibility within 30 days of their receipt, unless questions or concerns arise regarding the applications. If questions arise, the applicant will be contacted and may be asked to submit additional information. Otherwise, the Energy Commission will notify applicants in writing once funding eligibility is determined.

In the previous version of this *Guidebook*, applicants were requested to use the RPS Certification number assigned to that facility for identification purposes by the Energy Commission. Instead of using the RPS Certification number, please use the five-digit CEC ID number. All funding eligibility certificates previously issued in accordance with prior versions of this *Guidebook* become null and void on the date this *Guidebook* is formally adopted by the Energy Commission.

C. Updating Eligibility Forms

All applicants will be required to resubmit the application form (CEC-1250E-1) and to complete the Biomass and Fossil Fuel Usage Report for Biomass Facilities form (CEC-1250E-4) by January 31 of each year. The Energy Commission will re-evaluate each application and make a determination of eligibility and funding for the calendar year. Eligible applicants that are approved for funding will be issued a new Funding Award Notice.

When changes occur during a calendar year that may affect a facility's eligibility, the facility must submit new forms identifying changes to the information submitted on the original funding eligibility application, Vendor Data Record, or authorized signature form. Any revised forms submitted should be noted as amendments to the original forms.

V - Incentive Payment Process

A. Monthly Invoices

To receive funding, an authorized representative of the eligible facility must submit monthly invoices for each month in the calendar year to document the facility's eligible generation along with a written third-party verification of the eligible electricity generated. This information is required each month, even though applicants may not be eligible for incentive payments. The Energy Commission reviews these invoices and makes incentive payments based on the eligible generation and the applicable production incentive rate. See Section IX of this *Guidebook* for the monthly invoice form (CEC-1250E-2) and instructions for completing this form.

A written statement from an independent third party verifying the facility's electricity production data for the billing month must accompany the facility's invoices. The third party must be independent of the facility and gather data on the amount of electricity production supplied by the facility to the transmission grid or distribution system each month. The independent third party may be a utility, the Independent System Operator created under Section 330 of the Public Utilities Code, an aggregator, a scheduling coordinator, or other similar entity. For those facilities eligible for incentives based on time-of-use generation, the third party verification must include a breakdown of the total monthly generation by time-of-use period.

Facilities that do not use a utility statement as their third-party verification must include a signed letter from an independent third party verifying the facility's generation. This letter must be submitted to the Energy Commission by the facility, be on the third-party's letterhead, and include at a minimum: facility name, facility CEC ID number, generation month, and total generation for the month. If the independent third-party's statement is **NOT received** in time to submit it with the facility's invoice, the facility is expected to submit its monthly invoice with other evidence of the amount of eligible power generated during the billing month. A letter explaining that the third party's statement could not be submitted and describing the evidence submitted in its place must also be submitted with the invoice.

The Energy Commission will evaluate monthly invoices submitted without third party verification on a case-by-case basis and notify the facility whether the amount claimed in the invoice, or any part of it, will be accepted and paid. The Energy Commission may elect to pay only that portion of the amount invoiced that appears to be reasonable, given the evidence submitted in support of the invoice, the prior months' generation, and other factors deemed pertinent at the time of evaluation. The third party statement **must** be subsequently furnished to the Energy Commission when available, so payment adjustments can be made for any differences in the estimated eligible generation and actual eligible generation. All monthly invoices and third party statements submitted to the Energy Commission become **public records** and are subject to public disclosure.

Invoices shall be submitted to the Energy Commission by the due dates shown in Table 3, Invoicing Schedule.

Invoices may be **submitted by fax or by mail** to the following address:

California Energy Commission
Renewable Energy Program
Attention: Accounting Office, MS-2
1516 Ninth Street
Sacramento, CA 95814-5512

Fax: (916) 653-1435

The Energy Commission must receive invoices at the above address no later than 11:59 p.m. if by fax or 5 p.m. PST if by mail on the due date specified in the Invoicing Schedule. If an invoice is incomplete, illegible, or received after the due date specified in the Invoicing Schedule, the facility will be notified by fax why the invoice is rejected. This notice will be faxed to the contact person identified on the eligibility form or monthly invoice form. The facility is responsible for ensuring that the contact information is current.

Facilities that fail to invoice the Energy Commission properly for a given billing month, as specified herein, shall **NOT** receive payment for that billing month.

After receiving invoices, the Energy Commission will calculate payments based on the incentive rate formulas and market price options described in Section III of this *Guidebook*.

The ERFP will not provide incentive payments to a facility with energy prices above the applicable target price. The authorized representative of an eligible facility is responsible for providing the Energy Commission with sufficient proof to document the prices received for generation funded through the ERFP. Failure to provide adequate documentation shall result in **NO** incentive payments being made until such time as appropriate documentation is provided.

The Energy Commission will not require disclosure of the actual energy prices received for any month in which a facility does not seek ERFP funding. For facilities receiving payments under SRAC, a utility statement (which should be submitted as third-party verification) shall be sufficient to meet this requirement.

B. Payments

The Energy Commission intends to make incentive payments within 60 days of the end of the billing month. Table 3, Invoicing Schedule, lists invoice due dates and anticipated payment mailing dates. It is anticipated that payment for January through August 2008 generation will be mailed on or about November 7, 2008. However, given the initial review that is required this first payment may be delayed. The Energy Commission will send a statement that explains how the payment was calculated for the billing month. The statement will also give the program-to-date status both for the facility and for the entire ERFP. A sample statement for January 2008 is included at the end of this *Guidebook*. Eligible facilities that fail to invoice the Energy Commission by the due dates provided in this *Guidebook* may not receive payment for that billing month.

C. Withholding Payments

Periodically, the Energy Commission may adjust the monthly payment (for instance, to correct a meter reading or reporting error from prior months). These adjustments will be reflected on the monthly statement.

Biomass Fossil Fuel Usage

As discussed in Section III, facilities that use more than 5 percent fossil fuel on a total annual energy input basis or found to be using ineligible biomass will have their eligible generation reduced. For example, if the facility uses 15 percent fossil fuel on a total energy input basis, eligible generation for payment will be 85 percent of facility total energy input. To address any overpayments as a result of excess fossil fuel use or ineligible biomass fuel use, the Energy Commission will withhold payments for at least the final two billing months of each year (November and December). Payments for these months will be made once the Energy Commission has reviewed a facility's annual report on fuel usage and confirmed compliance with the 5 percent fossil fuel limitation or made adjustments to the facility's eligible generation based on excessive fossil fuel usage or ineligible biomass fuel use. The Energy Commission reserves the right to withhold payments for additional billing months if necessary to address a facility's excess fossil fuel usage or ineligible biomass fuel use. If the amount of the withheld payments is insufficient to address any overpayments, the facility shall reimburse the ERF as specified by the Energy Commission in writing.

Applicants are required to provide fossil fuel and biomass fuel usage for the previous calendar year in the Biomass and Fossil Fuel Usage Report for Biomass Facilities (CEC-1250E-4), which is due with funding applications.. The CEC-1250E-4 requires the following information:

- 1) Name of the supplier
- 2) Address or location of fuel source(s)
- 3) Supplier's Contact Number
- 4) Type of fuel used: Agricultural, Solid Waste, Wood/Waste from State Forests
- 5) Quantity of fuel from each supplier in Bone Dry Tons per location
- 6) Total Energy Input of Fuel (mmBTU) from each supplier per location

In addition to the information provided above, facilities are required to sign an attestation that all of the fuel procured by the biomass facilities meets the eligibility requirements specified in SB 1250 and described in Section III. B. of this *Guidebook*. The Energy Commission reserves the right to audit applicants to verify the eligibility of the fuel used by the facilities. The Energy Commission will perform random audits of these facilities. .

If an applicant does not intend to reapply for funding eligibility, the applicant must still submit information on form CEC-1250E-4 by the facility for the previous year in order to receive payments for the final two billing months of the previous year. The Energy Commission shall

demand the repayment of all or some of the ERFP funds paid to the facility in the previous year if the facility does not provide the CEC-1250E-4 as required by the *Guidebook*.

Table 3
Invoicing Schedule

Billing Month	Invoice Due Date*	Anticipated Payment Date
January 2008	October 24, 2008	November 7, 2008
February 2008	October 24, 2008	November 7, 2008
March 2008	October 24, 2008	November 7, 2008
April 2008	October 24, 2008	November 7, 2008
May 2008	October 24, 2008	November 7, 2008
June 2008	October 24, 2008	November 7, 2008
July 2008	October 24, 2008	November 7, 2008
August 2008	October 24, 2008	November 7, 2008
September 2008	November 10, 2008	December 1, 2008
October 2008	December 10, 2008	December 31, 2008
November 2008	January 12, 2009	February 2, 2009 **
December 2008	February 10, 2009	March 2, 2009 **
January 2009	March 10, 2009	March 31, 2009
February 2009	April 10, 2009	April 30, 2009
March 2009	May 11, 2009	May 30, 2009
April 2009	June 10, 2009	June 30, 2009
May 2009	July 10, 2009	July 31, 2009
June 2009	August 10, 2009	August 31, 2009
July 2009	September 10, 2009	September 30, 2009
August 2009	October 13, 2009	November 2, 2009
September 2009	November 10, 2009	November 30, 2009
October 2009	December 10, 2009	December 31, 2009
November 2009	January 11, 2010	February 1, 2010 **
December 2009	February 10, 2010	March 1, 2010 **
January 2010	March 10, 2010	March 31, 2010
February 2010	April 12, 2010	April 30, 2010
March 2010	May 10, 2010	May 31, 2010
April 2010	June 10, 2010	June 30, 2010
May 2010	July 12, 2010	August 2, 2010
June 2010	August 10, 2010	August 31, 2010
July 2010	September 10, 2010	September 30, 2010
August 2010	October 11, 2010	November 1, 2010
September 2010	November 10, 2010	November 30, 2010
October 2010	December 10, 2010	December 31, 2010
November 2010	January 10, 2011	January 31, 2011 **
December 2010	February 10, 2011	February 28, 2011 **
January 2011	March 10, 2011	March 31, 2011

February 2011	April 11, 2011	May 2, 2011
March 2011	May 10, 2011	May 31, 2011
April 2011	June 10, 2011	June 30, 2011
May 2011	July 11, 2011	August 1, 2011
June 2011	August 10, 2011	August 31, 2011
July 2011	September 12, 2011	September 30, 2011
August 2011	October 10, 2011	October 31, 2011
September 2011	November 10, 2011	November 30, 2011
October 2011	December 12, 2011	January 10, 2012
November 2011	January 10, 2012	January 31, 2012 **
December 2011	February 10, 2012	February 29, 2012 **
<p>* Invoices are due approximately 40 days after the billing month. If the invoice due date falls on a weekend or State of California Holiday, invoices are due on the next business day.</p> <p>** Payments may be withheld and/or delayed to address overpayments associated with a facility's excess fossil fuel usage.</p> <p>Late invoices may result in the reduction or forfeiture of incentive payment based on the availability of funds.</p>		

VI – Annual Reporting Requirements for Biomass Facilities

Biomass facilities that receive funding from the ERFPP are required to annually report to the Energy Commission the types and quantities (tonnage) of biomass fuels used to generate electricity at the facility. The Energy Commission will report the types and quantities of fuels used by each facility annually in the Renewable Resource Trust Fund's Annual Report to the Legislature. To meet the mandated deadlines for the Annual Report, all facilities eligible for funding must resubmit an update of page 1 of form CEC-1250E-4 by August 15th of each year. The fossil fuel section of this form does not need to be filled out for the mid-year update. To maintain consistency between the generation and incentive payment information reported in the Annual Report and the fuel usage information, the submittals due on August 15 of each year shall provide biomass fuel usage from May of the previous year through April of the current year. As an example, the submittal due August 15, 2009, will cover fuel usage from May 1, 2008, through April 30, 2009. (Payment for April generation is made in June, and the Annual Report is done on a fiscal year basis.)

VII – Prevailing Wage Requirements

Facility owners that receive production incentives under the ERFPP must comply with the state prevailing wage law in accordance with Public Utilities Code Section 399.14, subdivision (h), which provides as follows:

Construction, alteration, demolition, installation, and repair work on an eligible renewable energy resource that receives production incentives or supplemental energy payments pursuant to Sections 25742 and 25743 of the Public Resources Code, including work performed to qualify, receive, or maintain production incentives or supplemental energy payments is "public works" for the purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

As a result of Section 399.14, subdivision (h), any construction, alteration, demolition, installation, and/or repair work performed on an eligible renewable energy resource that receives ERFPP production incentives is deemed to be "public works" and is subject to the state prevailing wage law with respect to any such work performed on the facility. Generally, this means that, the facility must comply with California Labor Code Section 1771 by paying prevailing wage for such work done on such facilities and also must fulfill the reporting and apprenticeship requirements set forth in California Labor Code sections 1776 and 1777.5.

Section 399.14, subdivision (h), addresses the following types of work:

- Construction (includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land survey work).
- Alteration
- Demolition
- Installation
- Repair

Work of this type is made subject to the state prevailing wage law by Public Utilities Code Section 399.14, subdivision (h), and the Department of Industrial Relations (DIR) Determination *Re: Salton Sea 6 Geothermal Power Plant Project, Public Work Case 2002-043 (April 10, 2003)*.

Under DIR Determination *Re: Maintenance, Renewable Energy Resources, Public Work Case 2002-043 (November 12, 2003)*, a facility owner is not subject to the state prevailing wage law with respect to maintenance work that is performed on the facility. Under this DIR Determination, maintenance work on a renewable energy facility does not fall within the scope of Public Utilities Code Section 399.14, Subdivision (h), and therefore is not required to pay prevailing wage.

A facility owner who contracts for work covered by the prevailing wage law is the agent awarding the contract for the public work, and therefore is the “awarding body” as defined in California Labor Code section 1722. This means that for purposes of compliance with the prevailing wage law, the facility owner shall comply with the provisions applicable to recipients of public funds AND the provisions applicable to an awarding body. As such, compliance with the state prevailing wage law includes without limitation the following:

1. Determining work activities and trades subject to the requirements to pay prevailing wage under the prevailing wage law.
2. Ascertaining applicable prevailing wage rate for each covered worker performing work activities subject to the prevailing wage law on the project.
3. Specifying in calls for bids, bid specifications, and construction contracts the applicable prevailing wage.
4. Ensuring all contracts for work activities on the project subject to prevailing wage include appropriate flow down provisions.
5. Posting the applicable prevailing wage information at each job site of the project.
6. Ensuring payment prevailing wage as applicable.
7. Overtime and working hour requirements.
8. Apprenticeship obligations.
9. Payroll recordkeeping requirements.
10. Withholding payments from contractors as necessary to satisfy wage and penalty assessments issued by the Labor Commissioner.
11. Other obligations as required by law.

The applicable provisions of the state prevailing wage law are set forth in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and, California Code of Regulations, Title 8, Chapter 8, Subchapter 3, commencing with Section 16000.

Facility owners shall comply with the state prevailing wage law as a condition of receiving ERF funding and any production incentives under the ERF. The facility owner shall comply with the state prevailing wage law as both the recipient of public funds and the awarding body and shall include appropriate flow down provisions in all agreements with contractors and subcontractors for the performance of work on the facility that are subject to the prevailing wage law.

In addition, upon completion of any work subject to the state prevailing wage law pursuant to Public Utilities Code Section 399.14, subdivision (h), the facility owner and all involved contractors and subcontractors must submit a certification verifying compliance with the state prevailing wage law. The facility owner must submit this certification within 90 days of completing the work. The certification shall be as provided in the Prevailing Wage Compliance Certification Form included in Section IX of this *Guidebook*. Lastly, the facility owner must certify as part of any payment invoice submitted to the Energy Commission that it has continued to comply with the state prevailing wage law. The facility owner shall ensure that all agreements with contractors for public works activities on the facility contain the following flow down provisions:

a) Contractor shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for all construction, alteration, demolition, installation, or repair work over \$1,000 performed under the contract. Contractor's obligations under prevailing wage laws include without limitation:

- 1) Payment of not less than the applicable prevailing wage for public works activities performed for the Facility;
- 2) Compliance with overtime and working hour requirements;
- 3) Compliance with apprenticeship obligations;
- 4) Compliance with payroll recordkeeping requirements; and
- 5) Compliance with other obligations as required by law.

b) Contractor shall ensure that the above requirements are included in all subcontracts for public works activities for the Facility.

DIR oversees prevailing wage issues, including coverage determinations, enforcement, record keeping, and apprenticeship requirements. The Energy Commission recommends that questions concerning prevailing wage requirements be directed to DIR. Contact information for DIR may be found at www.dir.ca.gov.

VIII - Definitions

For definitions of pertinent terms refer to the *Overall Program Guidebook* for the Renewable Energy Program.

IX - Forms, Instructions, and Samples

Application for Confidential Designation (A Template for Confidentiality Applications-Subject to Change)

CEC-1250E -1 -- Application for Funding Eligibility

CEC-1250E -2 -- Monthly Invoice Form

CEC-1250E -3 – Authorized Signatures Form

CEC-1250E -4 – Biomass and Fossil Fuels Usage Report for Biomass Facilities

STD-204 -- Vendor Data Record

Prevailing Wage Compliance Certification Form

Sample of Monthly Payment Statement

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

APPLICANT: _____

ADDRESS: _____

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data for which you are seeking a designation of confidentiality must be included with this application.**

- 1(b). Specify the part(s) of the information or data for which for which you request confidential designation.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

- 3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.

Dated: _____

Signed: _____

Name (print or type): _____

Title: (print or type)_____

Representing:_____

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.

Instructions for CEC-1250E-1 Application for ERFP Funding Eligibility

If a facility meets the eligibility requirements described in the *Guidebook* for the ERFP, it may apply for funding using CEC-1250E-1. A vendor data record (STD-204) and authorized signatures form (CEC-1250E-3) must be submitted with the CEC-1250E-1 in order to receive funding. Following are specific instructions for completing each section of CEC-1250E-1:

If this form does not provide enough space for the answers of certain questions, please use a separate sheet and include that sheet with this form.

Please select whether you are submitting an original application or submitting amendments to a previous application.

Select Original Application if you have never registered for funding eligibility for the facility in question. All items in the form must be completed or the application will not be accepted.

1. **CEC ID Number** –The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERFP after January 1, 2007. (First time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Name of Facility** –Current full name of the generating facility.
3. **QFID Number** –The ID number assigned by your utility. This is sometimes also called the log number.
4. **RPS Certification Number** –The ID number assigned to your facility by the Energy Commission when it was certified for RPS eligibility.
5. **Facility Contact Person** – Name, title, telephone/fax number, and email address of contact person for questions or concerns the Energy Commission may have with regards to facility operations. Also provide the physical address or location of the facility.
6. **Facility Owner** – Contact name, address, telephone/ fax numbers, and email address of the business or company that owns the facility.
7. **Payee Name** – The name and address to which payments are to be sent. Also include the name, title and contact information of the primary contact for payments.

8. **Qualifying Facility Status** – Indicate whether the facility is certified as a Qualifying Facility under Section 292.207 of Title 18 of the Code of Federal Regulations.
9. **Facility Ownership** – Indicate whether the facility is now, or has been in the past, owned by an investor-owned utility or a local publicly owned electric utility.
10. **Self-generation** – Indicate if *all* of energy generated at this facility is used exclusively on site (self-generation).
11. **CTC Exclusion** – Indicate if *all* of the energy generated at this facility is excluded from any applicable competitive transition charge (such as an over-the-fence transaction).
12. **Energy Sold to Out-of-State Customers** – Indicate if all of the energy generated at this facility is sold to customers located outside California.
13. **Energy Sold to Local Publicly-Owned Electric Utility Customers** -- Indicate if all of the energy generated at this facility is sold to customers of a local publicly-owned electric utility.
14. **Type of Energy Contract** –Select whether you have a contract with an IOU or other entity. Within each category please make the appropriate selections to further specify the type of contract the facility has.
15. **Energy Source** – Energy source used for generation at the facility.
16. **Capacity** – The sum capacity, in megawatts, of all electrical generating equipment employed at the facility.
17. **Net Capacity** – The net capacity, in megawatts, of all electrical generating equipment employed at the facility, excluding parasitic or onsite load.
18. **Operational Date** – The first date the facility began generating electricity. (Restarts should use the original online date that the facility became operational)
19. Total funding (in \$) received from California state government sources other than the Energy Commission since January 1, 1998. Please itemize by program or state source.
20. Total funding (in \$) expected from the Energy Commission's ERFPP for generation through December 31, 2011.
21. Total funding (in \$) expected from other state government sources through December 31, 2011. Please itemize by program or state source.

22. Total state tax credits received by facility or the facility owner (in \$) since 1998.
23. Total federal tax credits received by facility or the facility owner (in \$) since 1998.
24. Market value of the facility (in \$). A facility's market value may be based on the facility's assessed value for property tax purposes. If market value is based on the facility's assessed value for property tax purposes, please indicate whether the assessment is made by the county and/or another local or state government entity. Other calculations for market value may be the facility's net present value of their contract revenue stream, book value, or salvage value. When reporting the facility's market value, please state the basis for this determination.
25. Provide an explanation of how incentive payments from the ERFP will allow the facility to become cost-competitive by the end of the 2011 calendar year.
 - a. Specific milestones addressing how the facility plans to decrease costs and/or increase revenues to become self-sustaining and cost-competitive by December 31, 2011. Provide milestones for progress made by January 1st and June 30th of 2008, 2009, 2010, and 2011.
 - b. A list of obstacles the facility may encounter in meeting each milestone.
 - c. A list of actions the facility may undertake to help mitigate the obstacles identified in 2b.
 - d. An explanation of how the Energy Commission can measure the facilities progress toward meeting their milestones and becoming self-sustaining and cost-competitive by December 31, 2011.
 - e. A list of fixed and/or variable costs that are expected to increase and/or decrease.
 - f. Identify fuel costs and what factors affect the increases and/or decreases in fuel costs.
 - g. A description of how the facility plans to mitigate increases in fixed and variable costs or fuel costs.
26. An explanation of the public benefits provided by the operation of the facility.
27. **Third-Party Billing Statement** – Include a copy of the most recent utility (or other independent third-party metering entity) billing statement, please include the entire statement.

28. Estimate of monthly target price needed under the ERFPP (in cents/kwh) for the calendar year in which applicant is applying for funding. Please provide an explanation of why this target price level is needed, and how the incentive payments from the ERFPP will allow the facility to become cost-competitive and self-sufficient by December 31, 2011. Please address how changes in contract prices and market conditions relative to previous incentive levels affect the estimated target price provided by the applicant.
29. Estimate of monthly incentive cap needed under the ERFPP (in cents/kwh) for the calendar year in which applicant is applying for funding. Please provide an explanation of why this incentive level is needed, and how the incentive payments from the ERFPP will allow the facility to become cost-competitive and self-sufficient by December 31, 2011. Please address how changes in contract prices and market conditions relative to previous incentive levels affect the estimated incentive cap provided by the applicant.
30. Please choose the method for calculating incentive payments: either based on the time-weighted average monthly energy price, or based on the time-of-use energy prices. Time of use energy payments will be on the TOU periods that are specified by the IOU contracts (e.g. on-peak, partial-peak, mid-peak, off-peak, and super off-peak). The Energy Commission will **NOT** make payments based on hourly fluctuations in market prices.
31. Declaration – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505. Applicants seeking confidential designation should send their forms and supporting documentation, along with an application for confidentiality, to the Executive Director instead of to the RPS Program as follows:

*Executive Director
California Energy Commission
1516 Ninth Street, MS-39
Sacramento, CA 95814.*

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:

**California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512**

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.

Applicants seeking confidential designation should send their forms and supporting documentation, along with an application for confidentiality, to the Executive Director instead of to the RPS Program as follows:

Executive Director, California Energy Commission, 1516 Ninth Street, MS-39, Sacramento, CA 95814.

SECTION 1 – REQUIRED INFORMATION

1. CEC ID #	2. Name of Facility	3. QF ID #	4. RPS Certification #
-------------	---------------------	------------	------------------------

SECTION 2 – FACILITY INFORMATION

5. Primary Facility Contact Person			Title	Telephone
Physical Address or Location			County	Fax
City	State	Zip	E-mail Address	
6. Facility Owner				
Owner Contact Person			Title	Telephone
Address				Fax
City	State	Zip	E-mail Address	
7. Payee Name (30 Characters Maximum, including spaces)				
Payee Contact Person			Title	Telephone
Payee Address				Fax
City	State	Zip	E-mail Address	

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM

SECTION 3 – ELIGIBILITY INFORMATION

<input type="checkbox"/> Yes <input type="checkbox"/> No	8. Is the facility certified as a Qualifying Facility pursuant to Section 292.207 of Title 18 of the Code of Federal Regulations?
<input type="checkbox"/> Yes <input type="checkbox"/> No	9. Is the facility now, or has the facility previously been, owned by an investor-owned or local publicly owned electric utility?
<input type="checkbox"/> Yes <input type="checkbox"/> No	10. Is the <u>entire</u> output from this facility to be used <u>exclusively</u> for on-site (self) generation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	11. Is the entire output from this facility excluded from an applicable competitive transition charge?
<input type="checkbox"/> Yes <input type="checkbox"/> No	12. Is the entire output from this facility sold directly to an out-of-state customer?
<input type="checkbox"/> Yes <input type="checkbox"/> No	13. Is the entire output from this facility sold directly to a customer of a local publicly owned electric utility (such as a municipal utility)?
14. Energy Contract	
Investor Owned Utility <input type="checkbox"/> PG&E <input type="checkbox"/> SCE <input type="checkbox"/> SDG&E <input type="checkbox"/> Other (specify): _____ Contract Type <input type="checkbox"/> SO1 <input type="checkbox"/> SO2 <input type="checkbox"/> SO3 <input type="checkbox"/> ISO4 <input type="checkbox"/> Negotiated <input type="checkbox"/> Other (specify): _____ Specify date contract was originally signed - _____ Specify date the contract is scheduled to end - _____	
Is this facility currently receiving energy payments under an amendment to the above contract? <input type="checkbox"/> NO, this facility is receiving energy payments under “traditional” SRAC values. <input type="checkbox"/> NO, this facility is receiving energy payments under the above contract. (Provide information below) <input type="checkbox"/> YES (Provide information below) Average Annual Energy Value (cents/kWh) _____ Date Amendment Scheduled to end _____	
Is this facility currently receiving payments under a contract that provides “All-In” pricing, and does NOT have a separable energy price component? <input type="checkbox"/> NO (Provide the following) Provide the facility’s average annual capacity price (in \$ per kW-yr) under current power purchase contract. _____ <input type="checkbox"/> YES (Provide the following) Provide your average annual “All-In” contract price (cents/kWh) _____	
15. Energy Source	
<input type="checkbox"/> Biomass <input type="checkbox"/> Solar Thermal <input type="checkbox"/> Wind	
16. Capacity of Facility (MW)	17. Net Capacity of Facility (MW)
18. Operational Date	

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission’s confidentiality regulations, 20 California Code of Regulations Section 2505.

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM

SECTION 4 – REQUIRED ADDITIONAL INFORMATION CURRENT AND PROJECTED STATE FUNDING SOURCES

19. Total funding (in \$) received from other California State Government Sources since January 1, 1998. Please itemize by program or state source in the rows below.

	\$
	\$
	\$
	\$

20. Total funding (in \$) expected from the California Energy Commission's Existing Renewable Facilities Program for generation through December 31, 2011.

	\$
--	----

21. Total funding (in \$) expected from other State Government Sources through December 31, 2011. Please itemize by program or state source in the rows below.

	\$
	\$
	\$
	\$

STATE AND FEDERAL TAX CREDITS

22. Total State Tax Credits Received by Facility (in \$) Since 1998. (Indicate if the facility qualifies for these credits but is unable to take advantage of them and the reason(s) why. Also, please provide supporting documentation listing type of tax credit and amount).

	\$
--	----

23. Total Federal Tax Credits Received by Facility (in \$) Since 1998. (Indicate if the facility qualifies for these credits but is unable to take advantage of them and the reason(s) why. Also, please provide supporting documentation listing type of tax credit and amount).

	\$
--	----

MISCELLANEOUS

24. Market Value of the Facility (in \$). Please state the basis for determining the market value in the row below:

	\$
--	----

25. As an attachment, please provide an explanation of how the incentive payments from the Existing Renewable Facilities Program will allow the facility to become cost-competitive by the end of the 2011 calendar year

26. As an attachment, please provide an explanation of the public benefits provided by the operation of the facility.

27. As an attachment, please provide a copy of one of your recent billing statements from your utility (or other independent third-party metering entity).

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

E

APPLICATION FOR FUNDING ELIGIBILITY EXISTING RENEWABLE FACILITIES PROGRAM

PROGRAM FUNDING

28. As an attachment, please provide an estimate of the target price needed under the ERFP (in cents/kWh) in order to ensure the continued operation of the facility through the application year. Also include an explanation of why this target price level is needed, and how the incentive payments from the ERFP will allow the facility to become cost-competitive by December 31, 2011. (Please address how changes in contract prices and market conditions relative to previous incentive levels affect the estimate target price provided by the applicant.)

29. As an attachment, please provide an estimate of the production incentive cap needed under the ERFP (in cents/kWh) and an explanation of why this cap level is needed given the facility's circumstances.

30. I choose to have incentive payments from the ERFP based on the following (Please select one):

- ☐ Average Monthly Energy Price
- ☐ Time-of-Use Energy Prices

31. DECLARATION

I, (print name and title) _____, hereby declare under penalty of perjury that the information provided in this application is true and correct to the best of my knowledge and that I am an authorized officer of the above named company with authority to submit this application on the company's behalf and attest to the matters set forth herein. I acknowledge that the eligibility and receipt of any payments from the Existing Renewable Facilities Program is based upon the requirements and conditions set forth in the Energy Commission's *Overall Program Guidebook for the Renewable Energy Program and Existing Renewable Facilities Program Guidebook*, and agree to abide by these requirements and conditions, including requirements for the payment of prevailing wage to the extent applicable, at all times while receiving payments from the Existing Renewable Facilities Program.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature: _____

ENERGY COMMISSION USE ONLY

Determination _____

(Attach separate sheets if necessary)

☐ Further information needed for determination (attach explanation)

Reviewer _____

Date _____

Note: Information submitted to the Energy Commission is subject to public disclosure unless designated confidential pursuant to the Energy Commission's confidentiality regulations, 20 California Code of Regulations Section 2505.

Instructions for CEC-1250E-2 Monthly Invoice Report

All eligible renewable facilities wishing to receive funding from the California Energy Commission's Existing Renewable Facilities Program are required to submit a signed CEC-1250E-2 on a monthly basis. Failure to submit this form by the specified due dates (see the *Existing Renewable Facilities Program Guidebook*, Table 3, or the Energy Commission's Web page, www.energy.ca.gov/renewables/documents/index.html, may result in forfeiture of payments for the specified month. Typically, invoices are due by the 10th of the second month following the month of generation (i.e. January 2009 generation is due March 10, 2009). All invoices must be accompanied by acceptable third-party verification (see guidebook for description of acceptable verification). If the third-party verification is **NOT** available by the invoice due date, you must still submit the invoice by the due date and select the "Estimated Generation" box in Section 6 of the invoice form. You must then follow up with the third-party verification as soon as it is available. Following are specific instructions for completing each section of CEC-1250E-2:

ADJUSTMENT – If you are submitting an adjustment to a previous month's generation submittal, check this box next to Section 1.

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission's ERFP when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission's ERFP if the facility first applied for funding from the ERFP after January 1, 2007. (first time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **QFID #** – The ID number assigned by your utility. This is sometimes also called the log number.
3. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2).
4. **Statement Period** – The billing month and year.
5. **Please check one** – Check the appropriate box in this section. If the production in section 5 is substantiated by accompanying third party verification, select the first box; if you do not have appropriate third-party verification and are submitting an estimated generation amount, check the box labeled "Estimated Generation" and provide an explanation of why an estimate is being submitted along with the invoice.

6. **Production (in kWh)** – Number of kWh's of generation eligible for funding in a given billing month and based on the statement of an independent third party. Provide only total production if you have opted to receive payments based on average monthly energy prices.
7. **Contact** – The name of the person to contact in the event there is a problem with the invoice submitted.
8. **Phone #** – Phone number of the contact person.
9. **Fax #** – Fax number of the contact person.
10. **Declaration** –The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company

Invoices shall be submitted to the Energy Commission by the due dates shown in Table 3, Invoicing Schedule.

The Energy Commission must receive invoices no later than 11:59 p.m. if by fax or 5 p.m. PST if by mail, on the due date specified in the Invoicing Schedule.

Eligible facility that fail to invoice the Energy Commission properly for a given billing month, as specified herein, shall not receive payment for that billing month.

E

MONTHLY INVOICE REPORT

EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:

**California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512**

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.

1. CEC Identification #:



ADJUSTMENT

2. QFID #:

3. Facility Name/Owner:

4. Statement Period:

5. Please check one:



Based upon attached third-party statement



Estimated Generation

6. Total Production (Generation in kWhs)

On-Peak

Mid-Peak/Partial-Peak

Off-Peak

Super Off-Peak

7. Contact:

8. Phone #:

9. Fax #:

10. DECLARATION

I, (print name and title) _____, hereby declare under penalty of perjury that the information provided in this invoice is true and correct to the best of my knowledge and that I am an authorized officer of the above named company with authority to submit this invoice on the company's behalf and attest to the matters set forth herein. I further declare under penalty of perjury that I have reviewed the electricity production data included in the attached statement(s), and, to the best of my knowledge, that it does not overstate the amount of electricity production supplied to the transmission grid or distribution system by the above named facility, and that the following statements are true and correct to the best of my knowledge with respect to the energy identified in item 6 of this invoice: (a) the energy was not used for on-site for the facility's own electrical demand (self generation); (b) the energy does not receive monthly average energy payments at a price above the applicable target price for the facility as identified in the *Guidebook*; (c) the energy was not sold directly to a local publicly-owned electric utility customer; and (d) the energy was not sold directly to an out-of-state customer. I further declare under penalty of perjury that prevailing wages were paid for work activities on the facility that were subject to the prevailing wage law and covered by the period of this invoice and that above-named company and all contractors and subcontractors complied with all the prevailing wage law requirements as set forth in the *ERFP Guidebook*.

Dated this _____ day of _____, 20____, at _____.

(day) (month) (year) (place of execution)

Signature: _____

Note: All data submitted on this form is subject to public disclosure

Instructions for CEC-1250E-3 Authorized Signatures Form

All facilities requesting funding from the Existing Renewable Facilities Program must submit the CEC-1250E-3 form, Authorized Signature Form. Only monthly invoices signed by persons listed on this form shall be accepted. Any time an authorized signer needs to be added or removed, a revised CEC-1038E-4 needs to be submitted with the Amended Form box checked. Following are specific instructions for completing each section of CEC-1250E-3:

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERF after January 1, 2007. (First time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2).
3. **Contact** – The name of the person to contact in the event there is a problem with the invoice submitted.
4. **Phone Number** – Phone number of the contact person.
5. **Fax Number** – Fax number of the contact person.
6. **Authorized Signatures** – Print the names and provide signatures of all persons authorized to sign the Monthly Invoice Reports.
7. **Declaration** – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

E

AUTHORIZED SIGNATURES FORM EXISTING RENEWABLE FACILITIES PROGRAM



Please submit form to:

**California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512**

Please print or type.

Instructions for completing this form are contained in the *Existing Renewable Facilities Program Guidebook*.



AMENDED FORM

1. CEC Identification #:

2. Facility Name/Owner:

3. Contact:

4. Phone #:

5. Fax #

6. Please print the names and provide signatures of all persons authorized to sign the Monthly Invoice Reports. Provide primary signer on the first line.

Print Name

Signatures

☐ ADD _____

☐ ADD _____

☐ ADD _____

☐ ADD _____

7. DECLARATION

I, (print name and title) _____, as an officer of the above named facility owner hereby authorize the above named individual to submit monthly invoices on the facility owner's behalf.

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Signature:

Note: All data submitted on this form is subject to public disclosure

Instructions for CEC-1250E-4 Biomass and Fossil Fuel Usage Report for Biomass Facilities

Biomass facilities applying for funding from the ERFP are required to report their fossil fuel and biomass fuel usage and also list their biomass fuel suppliers by January 31st of each year. Payments for the October, November, and December statement periods will be withheld until the facilities submit this information. Late submission of this report may result in loss of payment for the above mentioned statement periods. To complete this form, download the form, available from the California Energy Commission web site (www.energy.ca.gov/renewables/documents/index.html). You must enable macros for this form to work properly. If you need additional lines on the supplier list, click on the button titled "Insert Row." E-mail completed forms to Jason Orta, or the current ERFP staff lead, then print and sign the forms and mail them to the address on the form.

1. **CEC ID Number** – The ID number assigned to the facility by the Energy Commission when the facility registered as a Renewable Supplier (1998 – 2006), or the ID number assigned by the Energy Commission if the facility first applied for funding from the ERFP after January 1, 2007. (First time applicants leave this blank; this number will be assigned by the Energy Commission if your application is approved).
2. **Facility Name/Owner** – Current full name of the generating facility. Include name of business or company that owns facility, if different than facility name. This information must correspond with the information provided in the RPS Certification application (CEC-RPS-1A or CEC-RPS-2). Registration Form, CEC-1038E-2.
3. **Contact** – The name of the person to contact concerning the information submitted on this form.
4. **Phone Number** – Phone number of the contact person.
5. **Fax Number** – Fax number of the contact person.
6. **Period Covered in this Report** – The calendar year covered by this report. Biomass facilities are required to annually report fossil fuel and biomass fuel usage along with a list of biomass fuel suppliers.
7. **Types of Biomass Fuel Used** – Please report the quantity and supplier of the following types of biomass fuel used by this facility during the period covered by this form: a) Agricultural Crops, Waste, Residue, b) Solid Waste Materials, and c) Wood/Wood Waste from Forests

8. **Quantity of Biomass Fuels Used (in Tons)** – Please report the tonnage of the biomass fuels used. Provide the units of measure (Dry tons, wet tons, etc.)
9. **Total Energy Input of Biomass Fuel (mmBTU)** – Please report the facility's biomass fuel usage in mmBTUs.
10. **Type of Fossil Fuel Used** – Please report the type of fossil fuel used by this facility.
11. **Quantity of Fossil Fuel Used** – Please report the volume of fossil fuel used by this facility. Provide the units of measure (Gallons, therms, etc.)
12. **Total Energy Input of Fossil Fuel (mmBTU)** – Please report the facility's total fossil fuel usage in mmBTUs.
13. **Percentage of fossil fuel used by the facility on a total energy input basis during the previous calendar year** – Please report the percent of fossil fuels used by dividing the sum of the answers in 12 with the sum of the answers in 9.
14. **Do you expect the facility to have fossil fuels comprise less than 5-percent of fuel use on a total energy input basis in the upcoming calendar year?** – Please check "yes" or "no."
15. **Biomass Fuel Suppliers** – Please provide a list of biomass fuel suppliers including: the supplier name, address or location of where the fuel was harvested or picked up, a supplier contact person, the type of fuel delivered (agricultural waste, urban solid waste materials, or forest wood, wood wastes), the quantity of fuel delivered (in bone dry tons), and the energy content of the fuel supplied (in mmBTU).
16. **Declaration** – The declaration must be completed by an officer of the company such as the Chief Executive Officer, Chief Financial Officer, or a similar officer with authority to bind the company.

E BIOMASS AND FOSSIL FUEL USAGE REPORT FOR BIOMASS FACILITIES



Please submit form to:

**California Energy Commission
Renewable Energy Program
1516 Ninth Street, MS-45
Sacramento, CA 95814-5512
Email: jorta@energy.state.ca.us**

Please type.

PLEASE ENABLE MACROS IN ORDER FOR THE FORMS TO WORK PROPERLY. Fill in the information below and complete the Supplier List. E-mail the completed file in Excel format to the address shown to the left. Then print out the file, sign the Attestation as appropriate, and mail the package to the address shown to the left.

1. CEC ID #	2. RPS ID #	3. Facility Name/Owner
4. Contact:		
5. Phone #:		6. Fax #
7. Calendar Year Covered by this Report		

BIOMASS FUEL USAGE

8. Types of Biomass Fuel Used	9. Quantity of Biomass Fuel Used	10. Total Energy Input of Fuel (mmBTU)
Agricultural Crops, Waste, Residue		
Solid Waste Materials		
Forest Wood/Wood Waste		

FOSSIL FUEL USAGE

11. Types of Fossil Fuel Used	12. Quantity of Fossil Fuel Used	13. Total Energy Input of Fuel (mmBTU)
14. Percentage of fossil fuel used by the facility on a total energy input basis during the previous calendar year.		15. Do you expect the facility to have fossil fuels comprise less than 5-percent of fuel use on a total energy input basis in the upcoming calendar year? <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>

PLEASE NOTE: The Energy Commission reserves the right to ask for supplemental documentation to this filing. Fuel usage information provided within this report is subject to public disclosure. The Supplier List may be subject to public disclosure unless the facility has or will receive confidential designation from the California Energy Commission. Please see the Guidebook for instructions on filing for confidentiality. All information submitted on this form may be subject to future audits.

E

BIOMASS AND FOSSIL FUEL USAGE REPORT FOR BIOMASS FACILITIES

17. DECLARATION

I, (print name and title) _____,
hereby declare under penalty of perjury that the following is true and correct to the best of my
knowledge:

1) I am an authorized officer of the above named company with authority to submit this report on
the company's behalf and attest to the matters set forth herein.

2) The information and data provided in this report, including information provided in the Supplier
List, is correct and is submitted for use to verify the list of biomass fuel supplied meets the
requirements set forth under the Existing Renewable Facilities Program including but not limited to:

Wood and wood wastes harvested from state and federal land meet all of the following
requirements:

i. Has been harvested under an approved timber harvest plan prepared in accordance with
the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511)
of Part 2 of Division 4 of the Public Resources Code);

ii. Has been harvested for forest fire fuel reduction or forest stand improvement;

iii. Did not transport or cause the transportation of species known to harbor insect or
disease nests outside zones of infestation or current quarantine zones, as identified by
the Department of Food and Agriculture and the Department of Forestry and Fire
Protection, unless approved by these agencies;

3) The information included in this report, including the quantity and energy input of fossil fuel
usage reported is correct and is submitted for use to verify the percentage of fossil fuel used on an
energy basis. I understand that the quantity of biomass and fossil fuel used are subject to public
disclosure;

Dated this _____ day of _____, 20____, at _____.
(day) (month) (year) (place of execution)

Instructions for STD-204

Vendor Data Record

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646, and Internal Revenue Code, Section 6109. This form must be on file with the Energy Commission in order for any payments to be made. If you have any questions about this form, please contact the California Franchise Tax Board at 1-800-852-5711. Following are instructions on filling out STD-204:

1. **Return Form To** -- Already completed by the Energy Commission.
2. **Vendor information** -- Please enter your business name and address; if you are a sole proprietor, enter the owner's full name.
3. **Vendor Entity Type** -- Please check the appropriate box.
4. **Vendor's Taxpayer ID Number** -- Please enter your federal ID number. If you are an individual/sole proprietor, please enter your social security number.
5. **Vendor Residency Status** -- Please check the appropriate box corresponding to your residency status.
6. **Registering Signature** -- The registration must be signed by an authorized representative or officer such as the Chief Executive Officer or Chief Financial Officer of the corporation, or a similar officer with authority to bind the company.

STD. 204 (Rev. 6-2003)

[illegible]

PAYEE DATA RECORD

STD. 204 (Rev. 6-2003) (REVERSE)

1	<p><u>Requirement to Complete Payee Data Record, STD. 204</u></p> <p>A completed Payee Data Record, STD. 204, is required for payments to all non-governmental entities and will be kept on file at each State agency. Since each State agency with which you do business must have a separate STD. 204 on file, it is possible for a payee to receive this form from various State agencies.</p> <p>Payees who do not wish to complete the STD. 204 may elect to not do business with the State. If the payee does not complete the STD. 204 and the required payee data is not otherwise provided, payment may be reduced for federal backup withholding and nonresident State income tax withholding. Amounts reported on Information Returns (1099) are in accordance with the Internal Revenue Code and the California Revenue and Taxation Code.</p>								
2	<p>Enter the payee's legal business name. Sole proprietorships must also include the owner's full name. An individual must list his/her full name. The mailing address should be the address at which the payee chooses to receive correspondence. Do not enter payment address or lock box information here.</p>								
3	<p>Check the box that corresponds to the payee business type. Check only one box. Corporations must check the box that identifies the type of corporation. The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State provide their Taxpayer Identification Number (TIN). The TIN is required by the California Revenue and Taxation Code Section 18646 to facilitate tax compliance enforcement activities and the preparation of Form 1099 and other information returns as required by the Internal Revenue Code Section 6109(a).</p> <p>The TIN for individuals and sole proprietorships is the Social Security Number (SSN). Only partnerships, estates, trusts, and corporations will enter their Federal Employer Identification Number (FEIN).</p>								
4	<p><u>Are you a California resident or nonresident?</u></p> <p>A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.</p> <p>A partnership is considered a resident partnership if it has a permanent place of business in California. An estate is a resident if the decedent was a California resident at time of death. A trust is a resident if at least one trustee is a California resident.</p> <p>For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.</p> <p>Payments to all nonresidents may be subject to withholding. Nonresident payees performing services in California or receiving rent, lease, or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for State income taxes. However, no withholding is required if total payments to the payee are \$1,500 or less for the calendar year.</p> <p>For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:</p> <table border="0"> <tr> <td>Withholding Services and Compliance Section:</td> <td>1-888-792-4900</td> <td>E-mail address:</td> <td>wscs.gen@ftb.ca.gov</td> </tr> <tr> <td>For hearing impaired with TDD, call:</td> <td>1-800-822-6268</td> <td>Website:</td> <td>www.ftb.ca.gov</td> </tr> </table>	Withholding Services and Compliance Section:	1-888-792-4900	E-mail address:	wscs.gen@ftb.ca.gov	For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov
Withholding Services and Compliance Section:	1-888-792-4900	E-mail address:	wscs.gen@ftb.ca.gov						
For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov						
5	<p>Provide the name, title, signature, and telephone number of the individual completing this form. Provide the date the form was completed.</p>								
6	<p>This section must be completed by the State agency requesting the STD. 204.</p>								
	<p><u>Privacy Statement</u></p> <p>Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, State, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.</p> <p>It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and State law imposes noncompliance penalties of up to \$20,000.</p> <p>You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the State agency(ies) with which you transact that business.</p> <p>All questions should be referred to the requesting State agency listed on the bottom front of this form.</p>								

PREVAILING WAGE COMPLIANCE CERTIFICATION FORM

This certificate is to be completed by Grantee, signed by Grantee and all construction contractors and subcontractors, and submitted to Energy Commission within 90 days of completing any construction, alteration, demolition, installation, or repair work subject to the state prevailing wage law pursuant to Public Utilities Code section 399.14, subdivision (h).

Grantee: _____

Energy Commission Funding Award Notice Number:

Facility: _____

Date Facility Construction Completed: _____

Grantee hereby certifies as follows:

1. All construction contracts and subcontracts to perform work activities subject to the state prevailing wage law for the above referenced Facility contained requirements that the construction contractors and subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the California Labor Code.
2. Prevailing wages have been paid as required by law.
3. All construction contractors and subcontractors have maintained labor records as required by the Labor Code and such records shall be made available to the Energy Commission upon request.
4. The undersigned Grantee acknowledges that disbursement of any payments of production incentives under the above noted Agreement by the Energy Commission is expressly made in reliance upon the representations made in this certification.

Grantee:

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____

Each contractor and subcontractor performing work activities subject to the prevailing wage law for the above referenced Facility must sign below. Include additional pages if necessary.

Construction Contractor and Subcontractors hereby certifies as follows:

1. The contract with Grantee to perform work activities subject to the prevailing wage law for the above referenced Facility contained requirements that the construction contractor and all its subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
2. Prevailing wages have been paid as required by law.
3. Construction contractor and all its subcontractors have maintained labor records as required by the Labor Code and such records shall be made available to the Energy Commission upon request.
4. The undersigned construction Contractor acknowledges that disbursement of any payments of production incentives under the above noted Agreement by the Energy Commission is expressly made in reliance upon the representations made in this certification.

Construction Contractor

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____

Construction Contractor

Signature: _____

Printed/Typed Name: _____

Title: _____

Date: _____



Renewable Energy Program
California Energy Commission
 1516 Ninth Street, MS 45
 Sacramento, CA 95814-5512

STATEMENT

Existing Renewable Facilities Program

Sample Energy, Inc
 1516 Ninth Street
 Sacramento, CA 95814-5512

Statement Date: March 18, 2008
Invoice Period: December-2007
Supplier ID: CEC-10099
RPS ID: 60999
Payment No: 19999
Claim Schedule No: 9999

Your Incentive Payment:

No Payment

YOUR PRODUCTION INCENTIVE

THIS STATEMENT PERIOD

Total Qualifying Generation (kWh):	0
Production Incentive (\$):	\$0.00
Miscellaneous Adjustments (\$):	\$0.00
AFM Adjustment (\$):	\$0.00
Total Incentive Payment (\$):	\$0.00

PROGRAM TOTALS

This Year's Generation to Date (kWh):	100,000,000
This Year's Incentive Payments to Date(\$):	\$900,000.00
Total Qualifying Generation (kWh):	1,000,000,000
Total Incentive Payments (\$):	\$5,000,000.00

YOUR PRODUCTION INCENTIVE CALCULATION

(A) Target Price (\$/kWh)	(B) Market Price (\$/kWh)	(C) Production Incentive Cap (\$/kWh)	(D) Incentive Rate Minimum of {A - B} or {C}	(E) Eligible Generation (kWh)	(F) Incentive Payment {D x E} (\$)
0.06000	0.06500	0.01500	0.00000	0	\$0.00

TOTAL PROGRAM PRODUCTION INCENTIVE PAYMENTS

Current Allocation of Funds	20% of the RRTF	\$14,758,441.40
Rollover Funds Available	Funds not distributed in prior years	\$19,430,894.55
Annual Program Payout Cap	Maximum Program Payout	\$18,000,000.00
Total funds available this funding year		\$18,000,000.00

EXISTING RENEWABLE FACILITIES PROGRAM SUMMARY

CURRENT YEAR

PROGRAM TO DATE

Total Generation (kWh):	3,319,137,335	Total Generation (kWh):	73,434,024,799
Total Incentive Payments:	\$18,099,406	Total Incentive Payments:	\$267,143,112

For questions regarding payment and invoice status, contact:

Vinh Le (916) 654-4547

For questions regarding payment calculation, contact:

Jason Orta (916) 653-5851

Important notes about your current payment:



Renewable Energy Program
California Energy Commission
 1516 Ninth Street, MS 45
 Sacramento, CA 95814-5512

STATEMENT

Existing Renewable Facilities Program

Sample Energy, Inc.
 1516 Ninth Street
 Sacramento, CA 95814-5512

Statement Date: June 23, 2008
Invoice Period: December 2007
Supplier ID: CEC-10099
RPS ID: 60999
Payment No: 199999
Claim Schedule No: 9999

Your Incentive Payment:

No Payment

YOUR PRODUCTION INCENTIVE

THIS STATEMENT PERIOD

Total Qualifying Generation (kWh):	20,000,000
Production Incentive (\$):	\$0.00
Miscellaneous Adjustment (\$):	\$0.00
AFM Adjustment (\$):	\$0.00
Total Incentive Payment (\$):	\$0.00

PROGRAM TOTALS

This Year's Total Generation (kWh):	390,000,000
This Year's Total Incentive Payments (\$):	\$100,000.00
Total Qualifying Generation (kWh):	2,000,000,000
Total Incentive Payments (\$):	\$2,000,000.00

YOUR TOU PRODUCTION INCENTIVE CALCULATION

	(A) Target Price (\$/kWh)	(B) Market Price (\$/kWh)	(C) Production Incentive Cap (\$/kWh)	(D) Incentive Rate Minimum of {A - B} or {C} (\$/kWh)	(E) Eligible Generation (kWh)	(F) TOD Payments {D x E} (\$)
Super Off Peak	0.06	0.060	0.015	0.00	5,000,000	\$0.00
Off Peak	0.06	0.0	0.015	0.00	8,000,000	\$0.00
Partial Peak	0.06	0.05	0.015	0.00	7,000,000	\$0.00
Peak	0.06	0	0.015	0.0150	0	\$0.00

TOTAL PROGRAM PRODUCTION INCENTIVE PAYMENTS

Current Allocation of Funds	20% of the RRTF	\$14,758,441.40
Rollover Funds Available	Funds not distributed in prior years	\$19,430,894.55
Annual Program Payout Cap	Maximum Program Payout	\$18,000,000.00
Total funds available this funding year		\$18,000,000.00

EXISTING RENEWABLE FACILITIES PROGRAM SUMMARY

CURRENT YEAR

PROGRAM TO DATE

Total Generation (kWh):	3,319,137,335	Total Generation (kWh):	73,434,024,799
Total Incentive Payments:	\$18,099,406	Total Incentive Payments:	\$267,143,112

For questions regarding payment and invoice status, contact:

Vinh Le (916) 654-4547

For questions regarding payment calculation, contact:

Jason Orta (916) 653-5851

Important notes about your current payment:Sa